

ORDINANCE NO. 46-552

AN ORDINANCE CREATING SECTIONS 11.99.010, 11.99.020, 11.99.030, 11.99.040, AND 11.99.050, OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PRIVATE TOWING REGULATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 11.99.010 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Purpose and Intent.** It is hereby declared that the purpose and intent of this chapter is to protect the public and the rights of persons whose motor vehicles may be towed and stored by private towing services at the request of third parties.”

SECTION 2. Section 11.99.020 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Definitions.** As used in this chapter, the words and phrases defined in this section shall have the following meanings, unless the context otherwise requires:

A. ‘Towing’ means the moving or removing or the preparation therefor of a motor vehicle for which a service charge is made, either directly or indirectly of a motor vehicle from private property without the knowledge and actual consent of the owner or the person in legal possession of the vehicle.

B. 'Tow truck' means any truck or other vehicle adapted or used for the purpose of towing, winching, carrying or otherwise removing another vehicle from a given location for commercial purposes.

C. 'Storage' means the custody and control of a vehicle by a tow truck operator as a result of a third-party ordered tow.

D. 'Tow operator' means any person engaged in the business of offering or providing a towing service for commercial purposes.

E. 'Private property' means all property privately owned regardless of whether the property is open to public access.

F. 'Person' means a natural person or a legal entity such as, but not limited to, an individual, firm, association, joint stock company, syndicate, partnership or corporation."

SECTION 3. Section 11.99.030 of the Code of the City of Wichita, Kansas, shall read as follows:

**Unlawful Acts.** It shall be unlawful and a violation of this chapter for any person to fail to comply with the following regulations when involved in the towing or request of towing of motor vehicles from private property;

A. Notification. The property owner or person requesting the towing of or the removal of a vehicle from private or public property shall, within one hour of completion of such towing or removal, notify the Wichita Police Department Records Bureau of the following information concerning the tow or removal:

(1) Vehicle make

- (2) Vehicle model
- (3) Vehicle year
- (4) Vehicle VIN
- (5) License plate number
- (6) Ultimate destination where vehicle is towed to and stored.
- (7) Person ordering the tow.
- (8) Address from which the vehicle is towed.

B. Notice and Sign Requirements. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and thus are subject to being removed at the owner's or operator's expense, any property owner or person in legal possession of the property, prior to towing or removing any vehicle from private or public property without the consent of the owner or other legally authorized person in control of that vehicle, must post a sign meeting the following requirements:

- (1) The sign must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

(2) The sign must clearly indicate, in lettering of at least one and one-half inches high and one-half inch wide, that unauthorized parking is prohibited and further clearly marked with lettering of at least one inch high and three-eighths inch wide indicating that unauthorized vehicles will be towed away at the owner's expense.

(3) A business with 20 or fewer parking spaces satisfies the notice requirements of this section by prominently displaying a sign stating 'Reserved parking for customers only. Unauthorized vehicles will be towed away at the owner's expense.' in light reflective letters on a contrasting background."

SECTION 4. Section 11.99.040 of the Code of the City of Wichita, Kansas, shall read as follows:

**"Nonapplicability to Governmental Vehicles and Tows.** The provisions of this chapter shall not apply to law enforcement, firefighting, rescue squad, ambulance or other governmental vehicles, which are marked as such or to property owned by any governmental entity."

SECTION 5. Section 11.99.050 of the Code of the City of Wichita, Kansas, shall read as follows:

**"Penalty.** Any person that violates the provisions of this chapter shall be fined not less than \$100 nor more than \$1,000. In addition to such fine the Court may sentence any person convicted hereunder to no more than 30 days in jail."

SECTION 6. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8<sup>th</sup> day of March, 2005.

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Carlos Mayans, Mayor

ATTEST:

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Karen Schofield, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law